

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARTHUR CAMPBELL,

Petitioner,

Case Number 15-12615

Honorable David M. Lawson

v.

DAVID BERGH,

Respondent.

ORDER GRANTING PETITIONER'S MOTION TO EXPAND THE RECORD

This matter is before the Court on the petitioner's motion for respondent to file a copy of the petition for writ of certiorari and the petition for "Rule 44" rehearing with orders and motion for extension of time to reply to the respondent's answer to the petition. The petitioner wants the respondent to file these materials, which might aid him in his reply brief in support of his habeas corpus petition. These materials consist of the petition for the writ of certiorari in *Arthur L. Campbell v. Michigan*, United States Supreme Court case number 14-8988, and the petition for the Rule 44 rehearing filed in the post-conviction proceedings in the underlying state court case. The Court will interpret the petitioner's request as one to expand the record. Rule 7 of the Rules Governing Section 2254 Cases in the United States District Courts authorizes expansion of the record by submission of "additional materials relating to the petition." Those materials may include "documents, exhibits, and answers under oath to written interrogatories propounded by the judge." Rule 7(b) of the Rules Governing Section 2254 Cases in the United States District Courts.

The Michigan attorney general has not responded to the petitioner's motion and the time for doing so has lapsed. The Court has reviewed the petitioner's motion and finds that it should be granted.

Accordingly, it is **ORDERED** that the petitioner's motion to expand the record [dkt. #11] is **GRANTED**.

It is further **ORDERED** that the respondent must file with the Clerk the petition for writ of certiorari in *Arthur L. Campbell v. Michigan*, United States Supreme Court case number 14-8988, and the petition for the Rule 44 rehearing filed in the post-conviction proceedings in the underlying case, or a written explanation explaining why they cannot be provided on **or before July 5, 2016**. See Rule 5(d), Rules Governing Section 2254 Cases in the United States District Courts.

It is further **ORDERED** that if the petitioner desires to file a reply brief in support of his petition for a writ of habeas corpus, then he must do so **on or before October 3, 2016**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 7, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 7, 2016.

s/Susan Pinkowski
SUSAN PINKOWSKI